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10/700,243	11/03/2003	Steven J. Simske	200300232-1	3763

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/700,243

Applicant(s)

SIMSKE, STEVEN J.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15,30-42 and 49-54 is/are pending in the application.
- 4a) Of the above claim(s) 16-29,43-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15,30-42 and 49-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Cuong H. Nguyen
QUONG NGUYEN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to a response received on 3/12/2007.
2. Claims 1-15, 30-42, and 49-54 are pending in this application.

Response

3. The examiner withdraws previous rejections (mailed on 1/19/2007). What the examiner sees in the pending claims are merely online suggestions/advice (as in available <http://www.mapquest.com> or <http://www.google.com>) on traveling wherein there are several an advanced option for a user: selection of "SHORTEST TIME" OR "SHORTEST DISTANCE" or excluding HIGHWAYS/TOLL ROADS, then providing a complete result as in pending claim 1 (with "TOTAL ESTIMATED TIME" and "TOTAL ESTIMATE DISTANCE") would be stored (for later use if another option is made) and provided on those website screens.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

4. Claims 1-2, 9, 11, 13-14, 30, 32, 35-36, 38, 40, 49, and 53-54 are rejected under 35 U.S.C. § 102(e) as being anticipated by Purang et al. (US 20040215699).

Purang et al. teach about receiving an itinerary planner 130 from a source/requesting device/a telephone/a computer “user system 110”, Purang’s planner comprises more than 1 route segments, Purang et al. inherently use a “Timing Logic 225” in Planner 130 to calculate a time-optimized route (see Purang et al., Figs. 1-2, refs. 110,120, 130, and in the Abstract).

Purang et al. also teach that travel time is changed according to additional itineraries (see Purang et al., para. [0006]).

Purang et al. also teach that the planner is a fast hierarchical task network (HTN) planner that generates conditional scheduled plans in an anytime way. An anytime algorithm is one that generates better solutions as it is allowed more computational time. HTN planning facilitates planning by decomposing the problem into sub-problems for which known solutions can be used. This hierarchical planning approach allows plan fragments to be reused, which improves efficiency (see Purang et al., para. [00018]).

Purang et al. also teach about solving the problems of uncertainty in travel planning -- the lack of knowledge at the time the plan is created--and personalization--ensuring that the plan best meets the needs of a user--in a timely manner (see Purang et al., para. [00019]).

Purang et al. also teach about optimizing a personalization plan (itinerary planning) based on time and distance (see Purang et al., para. [0025]).

Purang et al. also teach a timing logic 225 associates a time with each location. For

example, for itinerary planning, the time it takes to do an activity. For Web Service planning, the time may be the time required to perform a service (see Purang et al., para. [00035]).

Purang et al. also teach a travel time logic 235 calculates the travel time between each activity/location. In one embodiment, for the itinerary planner, the travel time logic 235 calculates the travel (see Purang et al., para. [00037]).

Purang et al. also teach time parameters 315 indicate the starting date and time and stopping date and time for the tour (see Purang et al., para. [00043]).

Purang et al. also teach:” At block 450, a time is associated with each activity. In one embodiment, the time for non-rigid activities is minimum time and typical time. For example, certain activities are rigidly timed. For example, a cable car ride from a first location to a second location is of a defined duration. However, the amount of time spent touring China Town, or shopping, varies by the individual. Therefore, in one embodiment, the system uses various sources to identify a minimum time and a typical time for the activity. In one embodiment, the user's preferences may change this time estimation” (see Purang et al., para. [00051]).

Purang et al. also teach of using GPS coordinates (see Purang et al., para. [0053] , [0077], and [0062]).

Purang et al. also teach about updating travel times (see Purang et al., para. [00054]).

Purang et al. also teach a time window is established (the user set al., para. [0062]).

Purang et al. also teach that a starting location is the current location (i.e. the

ending location of the previous itinerary item, or the true starting point of the user) (see Purang et al., para. [00076]).

Purang et al. also teach that each allotted time and money/cost are within a travel requirement/planning (see Purang et al., para. [00078]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3-8, 10, 12-13, 15, 31, 33-34, 37, 39, 41-42, and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purang et al. (US 20040215699).

The rationales and reference for a rejection of claim 1 are incorporated.

A. As to claims 3, 5, and 41: Purang et al. use a GPS tracking in his system; this system obviously tracks object position at each time including updates/refresh an origination time (see Purang et al., para. [0025]), and determine a best time to travel with external data providers 125 in Fig.1 (e.g., very early in the morning to avoid rush-hour traffic through business routes).

B. As to claims 4, 31, 37, and 50: Purang et al. obviously use “optimized” routes based on historical data associating with travel routes to save time/distance/cost (see Purang et

al., Fig.1 – all related data for travel are used and calculated by a network 120 before sending to User System 110).

C. As to claims 6, and 34: Purang et al. obviously key-in inputs from a user indicating a starting time (in another word, a navigation guide would receive an indication of an origination time; (see Purang et al., Figs. 1-3).

D. As to claims 7, 37, and 12: Purang et al. obviously access stored data/geographic data/obtaining inventory data to making a travel plan (in another word, determining travel routes, and using available GPS - see Purang et al., Figs. 1-3).

E. As to claims 8, 42, and 52: Purang et al. obviously access and use stored data/geographic data required for a travel planning (see Purang et al., Figs. 1-3).

F. As to claims 10, and 33: Purang et al. 's travel guide comprises an origination point and more than one destination points (see Purang et al., the abstract).

G. As to dependent claims 13, 39, and 15, 51: As best interpretation, these claims are directed to a system with a capability to update travel routes and travel time, using a "Timing Logic 225" and "Travel Time Logic 235" Purang et al. teach these ideas (see Purang et al., the abstract, para [0067}, and Figs. 1-3).

Therefore, it would have been obvious to one skill in the art to implement Purang et al.'s ideas with explicit languages using in pending claims for creating a navigation routing system for an advantage that making a customized travel plan depending on even information that is unknown or uncertain at the time that the plan is constructed.

Conclusion

6. Claims 1-15, 30-42, and 49-54 are not patentable.


7. Note: US Pub. 2004/0215699 A1 by Purang et al. is used for rejection because it has a provisional application with 371(c) date of **02/26/2003**.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG NGUYEN
PRIMARY EXAMINER